IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24649 of 2004

Between:

Smt. D. Rajamma, W/o. Manjunath,
Korthikota, Tanakallu Mandal, Anantapur District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Penukonda Division, Penukonda,

Anantapur District.
2 The Mandal Revenue Officer, Tanakallu Mandal, Tanakallu, Anantapur

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not supplying the essential commodities to the petitioner in respect of F.P.Shop of Korthikota Village, Tanakallu Mandal, Anantapur District, for the months of December, 2004, in spite of application for renewal of Authorisation/License is pending consideration before the 1st respondent as arbitrary, illegal, violative of A.P. State Public Distribution System Control Order, 2001 as well as violative of Articles 14, 16 and 21 of the Constitution and consequently direct the respondents herein to supply the essential commodities to the petitioner in respect of Fair Price Shop of Korthikota Village, Tanakallu Mandal, Anantapur District, as usual forthwith.

Counsel for the Petitioner: MR.M.PRASADA RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

ORAL ORDER:

The petitioner is a Fair Price Shop Dealer of Korthikota village of Ananthapur District. The 1st respondent issued a show cause notice on 24.9.2004 directing her to explain as to why her authorization shall not be cancelled.

The petitioner claims to have submitted an explanation. Even while the matter was pending, the respondents stopped supplies to her. Hence, she filed W.P.No.18856 of 2004. This Court disposed of the writ petition through an order dated 10.11.2004 directing that as long as the authorization of the petitioner is in force she shall be supplied with the essential commodities. The petitioner states that pursuant to the order, the commodities were supplied till November, 2004. She alleges that the respondents stopped supplying all the essential commodities on the ground that the authorization is not yet renewed. It is her case that she paid the challan and made an application for renewal of authorization on 26.7.2003, but the 1st respondent has not passed any orders so far renewing the authorization and she seeks the said directions to the respondents in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

This Court gains an impression that the respondents are trying to overreach the orders passed by this Court in W.P.No.18856 of 2004 or are making efforts to defeat the benefit of the said order to the petitioner. The petitioner has placed before this Court a copy of the challan, dated 26.7.2003 whereunder a sum of Rs.500/- was paid towards fee for renewal of authorization. No orders are said to have been passed on it so far. Further, grant or renewal of authorization of

a Fair Price Shop dealer is almost a routine. As long as any order of appointment exists in favour of a dealer, the 1st respondent cannot take advantage of his own inaction to penalize the petitioner.

Hence, the writ petition is disposed of directing that the respondents shall supply essential commodities to the petitioner without insisting on her renewal of authorization. In case the 1st respondent finds that the petitioner is not entitled to renewal of authorization, he shall be put under obligation to pass a detailed and reasoned order indicating the grounds for refusal. There shall be no order as to costs.

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(L. NARASIMHA REDDY, J.)

31st December, 2004.

To

1 The Revenue Divisional Officer, Penukonda Division, Penukonda,

Anantapur District.

2 The Mandal Revenue Officer, Tanakallu Mandal, Tanakallu, Anantapur

District.

3. Two CCs to G.P. for Civil Supplies, High court Buildings, Hyderabad (OUT)

4. Two CD copies.

Note: Furnish copy by tomorrow

(b/o)

bcj